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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,376	08/14/2001	Pedro Luiz Discacciati Fortes	D/A0620	1002

7590 03/06/2008  
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EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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03/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/929,376	FORTES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CLEMENT B. GRAHAM	3692	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-9 remained pending.

#### Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-2, 6, 8-15, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "generating", "determining" and "notifying" building" registering "emailing" selecting", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, are rejected under 35 U.S.C. 102(b) as being anticipated by Giovannoli U.S. Patent 5, 842, 178).

As per claim 1, Giovannoli discloses a method of exchanging data between a buyer and a plurality of multiple suppliers via an internet supplier on-line system: generating by a buyer a request for a quotation from at least some of the plurality of suppliers for a cost of a part or device(Note abstract and see column 1-8 lines 1-67) determining if the request for the quotation will include attachments; generating documents when the request for quotation will include attachments, wherein the request for quotation and attachments include both engineering and business

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documents determining which of the plurality of suppliers are to be provided with the request for quotation and attachments(Note abstract and see column 1-8 lines 1-67) inquiring whether all suppliers to be provided with the request for quotation and attachments are registered on the supplier on line system; registering the suppliers not on the supplier on-line system; notifying the buyer, automatically by the supplier on-line system, of the registration of the suppliers(Note abstract and see column 1-8 lines 1-67) determining whether the request for quotation is for a commodity part or device or is for a non-commodity part or device and selecting which of the generated documents are to be attached as part of an item bidding process corresponding to each of the commodity parts or devices or selecting which of the generated documents are to be attached as part of a service bidding process corresponding to each of the non commodity parts or devices, building the request for quotation, wherein the building includes joining the business and technical documentation into a request for quotation pack; registering information in one of the item bidding process for commodity parts or devices or the service bidding process for non-commodity parts or devices(Note abstract and see column 1-8 lines 1-67) selecting the suppliers that are to receive the request for quotation pack; making the request for quotation pack available to selected suppliers on a supplier on-line system web site; and e-mailing all suppliers that the request for quotation pack is available at the web site. (Note abstract and see column 1-8 lines 1-67).

As per claim 2, Giovannoli discloses further including: reviewing, by the supplier, the available request for quotation pack; responding, by the supplier, by generation of a quotation corresponding to the request for quotation pack, submitting the quotation to the recited supplier on-line web site; and e-mailing automatically by the supplier on-line system, the buyer that the supplier has entered a quotation. (Note abstract and see column 1-8 lines 1-67).

As per claim 3, Giovannoli discloses further including:

analyzing automatically the request for quotation pack to determine a last day available for the supplier to respond, determining, if the day the quotation is provided by the supplier is prior to the last day to respond to the request for quotation pack; and providing the buyer with the capability to review quotations for request for quotation pack received prior to the last day to respond. (Note abstract and see column 1-8 lines 1-67).

As per claim 4, Giovannoli discloses further including:  
determining whether a need exists to alter the last day for responding to a request for quotation;  
altering the last day suppliers may respond to a request for quotation;  
and transmitting, automatically, e-mail notifications to the suppliers that the last day to respond to the request for quotation has been altered. (Note abstract and see column 1-8 lines 1-67).

As per claim 5, Giovannoli discloses wherein the action of making the request for quotation with the attached documents available to select suppliers includes synchronizing the data in the request for quotation with internal and external databases in order to transfer the files to a designated web site. (Note abstract and see column 1-8 lines 1-67).

As per claim 6, Giovannoli discloses further including a action of downloading documentation from sources outside of the supplier on-line system for inclusion into the request for quotation pack. (Note abstract and see column 1-8 lines 1-67).

As per claim 7, Giovannoli discloses further including an automatic document transfer process which generates files to be included in the request for quotation pack wherein the automatic document transfer process transfers the generated files to individual supplier folders maintained on a back end supplier on-line server. (Note abstract and see column 1-8 lines 1-67).

As per claim 8, Giovannoli discloses further including an upload document transfer process wherein a supplier is able to upload document information to the supplier on-line system which may be received by the buyer. (Note abstract and see column 1-8 lines 1-67).

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As per claim 9, Giovannoli discloses further including:  
registering part or device number information within the bidding process for the  
commodity parts or devices; and  
selecting the documentation that is to be attached to individual parts or devices of  
the request for quotation to form the request for quotation pack. (Note abstract and  
see column 1-8 lines 1-67).

### **Conclusion**

#### **RESPONSE TO ARGUMENTS**


5. In response to Applicant's arguments filed 11/20/2007 has been fully considered but they moot in view of new grounds of rejections.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Feb 2, 2008

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692